IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1712 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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DIWALIBEN R VALAND

Versus

P M ACHARYA

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Appearance:

1. Special Civil Application No. 1712 of 1997

MR SANDEEP N BHATT for Petitioner No. 1

GOVERNMENT PLEADER for Respondent No. 1

MR HS MUNSHAW for Respondent No. 2-3

MR NV ANJARIA for Respondent No. 4

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CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 08/04/2004

ORAL JUDGEMENT

The petitioner, Sarpanch of Badalpur Gram Panchayat, was elected on 13th June 2000 and though the Budget item of agenda was there on the meeting held on 24th March 1996, it could not be decided. The Development Commissioner issued notice to the petitioner on 30th September 1996 which was replied by the petitioner on 10th October 1996.

2.1 Ultimately, the Development Commissioner has passed an order on 22.1.1997 under Section 116(3) of the Gujarat Panchayats Act, 1993 and under Section 253 of the Act, the Panchayat was superseded for a period of six months.

3. While issuing notice on 25th February 1997, this Court has granted status-quo, but in the meantime, the election programme was declared which was challenged by the petitioner by way of Civil Application No. 5852 of 1997 and this Court by order dated 3rd July 1997, declined to interfere with the election process.

4. In view of the fact that the term of the Panchayat is over on 13th June 2000, this petition has become infructuous. Therefore, the petition is dismissed as having become infructuous. Rule is discharged. Interim relief, if any, shall stand vacated. No order as to costs.

(K.S. Jhaveri, J.)
Sreeram.